IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4102 of 2007()

CRIME NOT KNOWN OF KARUNAGAPPALLY POLICE STATION

PETITONERS :

1. NAZAR,S/O.JAMALUDHEEN KUNJU,AGED 30 YEARS,KULANGARASSERI KIZHAKKETHIL VEETTIL, VADAKKUM MURI,THODIYUR VILLAGE,KARUNAGAPPALLY.

2. JAMALUDHEEN KUNJU,S/O.YOOSUF KUNJU, AGED 61 YEARS,KULANGARASSERI KIZHAKKETHIL VEETTIL, VADAKKUM MURI,THODIYUR VILLAGE,KARUNAGAPPALLY.

3. JAMEELA BEEVI,W/O.JAMALUDHEEN KUNJU, AGED 58 YEARS,KULANGARASSERI,KIZHAKKETHIL VEETTIL, VADAKKUM MURI,THODIYUR VILLAGE,KARUNAGAPPALLY.

4. NIZAR,S/O.JAMALUDHEEN,AGED 26 YEARS, KULANGARASSERI KIZHAKKETHIL VEETTIL,VADAKKUM MURI, THODIYUR VILLAGE,KARUNAGAPPALLY.

5. SALEEM,S/O.JAMALUDHEEN,AGED 23 YEARS, KULANGARASSERI KIZHAKKETHIL VEETTIL,VADAKKUM MURI, THODIYUR VILLAGE,KARUNAGAPPALLY.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE, KARUNAGAPPALLY.

3. SUB ISNEPCTOR OF POLICE,KARUNAGAPPALLY.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4102 Of 2007

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Dated this the 6th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are husband and relatives of the husband of the defacto complainant. The marriage took place in 2004. One child has been born in the wedlock. Crime has been registered inter alia, under Sec.498A IPC. The investigation is in progress. The petitioners apprehends imminent arrest.

2. The learned counsel for the petitioners submits that there is matrimonial disharmony. On account of such strain in the matrimonial tie, false, fanciful and vexatious allegations have been raised against the petitioners. The investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I reckon that as a reasonable stand taken by the learned Public Prosecutor, as the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair.

4. I am satisfied that this is a fit case where directions under Sec.438 of Cr.P.C can be issued in favour of the petitioners, subject of course to appropriate and strict conditions which can be imposed in the interests of a fair and efficient investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction on 13.07.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1p.m on 14.07.2007 and 15.07.07, thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months. Subsequently they shall appear as and when directed by the Investigating Officer in writing to do so.

iii) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender on 13.07.2007 to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate on 13.07.2007 as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE